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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/557,708

04/25/2000

Christopher A. S. Gage

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12/19/2006

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SUITE 3020

BOCA RATON, FL 33487

EXAMINER

SHINGLES, KRISTIE D

ART UNIT

PAPER NUMBER

2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/19/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/557,708

Applicant(s)

GAGE ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment* *Claims 1-27 are pending.*

### *Response to Arguments*

1. In view of the Appeal Brief filed on 9/21/2006, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is a non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendment, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### *Allowable Subject Matter*

3. The indicated allowability of claims 1, 12 and 22 is withdrawn in view of the newly discovered reference(s) to *Schmeidler et al* (US 6,763,370), *Lee et al* (US 6,609,150) and *Gupta et al* (US 6,763,468). Rejections based on the newly cited reference(s) follow.

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 1, 12 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 12 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships preceding the insertion of the token into the URL are:

- a. how the user accesses the server using a URL when it is the dispatcher that receives the request from the user;
- b. how the dispatcher communicates with the servers—the establishment of communication means between the dispatcher and the servers;
- c. forwarding the request or URL from the dispatcher to the selected server in order for the server to fulfill the request;
- d. how the request for information relates to the URL—is the request synonymous with the URL, does the request include the URL, etc.

The Examiner suggests modifying the claim language to incorporate these relationships in order to provide clarity and cohesiveness among the elements of the invention.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-5, 9, 12-16 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schmeidler et al* (US 6,763,370) in view of *Kunzelman et al* (6,041,357).**

a. Referring to claim 1, *Schmeidler et al* teach a method of establishing a persistent relationship between an end user device and a server where the server is one of a plurality of servers managed by a dispatcher and the end user device accesses the server using a uniform resource locator (URL), the method comprising the steps of:

- receiving at the dispatcher, a request for information from the end user device (col.9 lines 5-44, col.13 lines 42-53, col.23 lines 13-15);
- determining by the dispatcher, which of the plurality of server to select for satisfying the request (col.24 lines 15-22 and 31-43—CAS server determines the appropriate RAFT server for satisfying the request);
- creating, at the selected server, a token comprising at least an identifier for the selected server, a date/time stamp, and a key, said key for accessing a server-side storage area for information regarding the persistent relationship at the end user device (Figures 8, 9 and 13; col.9 lines 50-51, col.14 lines 43-45, col.15 lines 23-32, col.18 lines 37-42, col.19 lines 21-23, col.22 lines 41-66, col.30 lines 21-41—the activator functions as the key and includes a RAFT token for accessing a particular RAFT server, wherein the token also comprises the URN which is an identifier for the selected server and a timestamp/expiration time); and
- sending, by the selected server to the client device, a response with the token inserted into the URL (col.21 lines 24-27, col.24 lines 32-34).

*Schmeidler et al* teach that the RAFT URLs are sent along with the RAFT tokens (col.24 lines 32-34 and 44-46); yet fail to explicitly teach inserting the token into the URL. However, *Kunzelman et al* clearly teach embedding tokens in URL requests and responding to the client with a token embedded in the URL, wherein the token elements comprise a server node identifier, a unique session identifier, timestamp, expiration, user ID, and digital signature (col.3 lines 54-65, col.4 lines 29-49, col.6 lines 43-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Schmeidler et al* with *Kunzelman et al* by embedding a token into a URL in order to a server to associate a token with a particular URL and track/monitor the user's activity on a particular website—such tracking methods are well-known in the art.

b. **Claims 12 and 22** contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis.

c. **Per claim 2**, *Schmeidler et al* with *Kunzelman et al* teach the method as claimed in claim 1 wherein said token is encoded using a modified Base64 encoding (*Kunzelman et al*: col.6 lines 58-67; *Schmeidler et al*: col.26 lines 15-16).

d. **Claims 13 and 23** are substantially equivalent to claim 2 and are therefore rejected under the same basis.

e. **Per claim 3**, *Schmeidler et al* with *Kunzelman et al* teach the method as claimed in claim 1 wherein said token has a checksum or hash verification field (*Kunzelman et al*: col.7 lines 5-15; *Schmeidler et al*: col.18 lines 37-49).

f. **Claims 14 and 24** are substantially equivalent to claim 3 and are therefore rejected under the same basis.

g. **Per claim 4**, *Schmeidler et al* teach the method as claimed in claim 3 wherein said hash is a SHA-1 hash computed over said identifier for said selected server, said date/time stamp, and said key (col.18 lines 37-49, col.30 lines 27-32).

h. **Claims 15 and 25** are substantially equivalent to claim 4 and are therefore rejected under the same basis.

i. **Per claim 5**, *Schmeidler et al* with *Kunzelman et al* teach the method as claimed in claim 3 wherein said checksum or hash is encoded using a modified Base64 encoding (*Kunzelman et al*: col.6 line 58-col.7 line 25; *Schmeidler et al*: col.26 lines 15-16).

j. **Claims 16 and 26** are substantially equivalent to claim 5 and are therefore rejected under the same basis.

k. **Per claim 9**, *Schmeidler et al* with *Kunzelman et al* teach the method as claimed in claim 1 wherein all filtering is performed within the dispatcher (*Schmeidler et al*: col.23 lines 1-9, col.24 lines 44-55; *Kunzelman et al*: col.5 line 38-col.6 line 12).

8. **Claims 7, 8, 18 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schmeidler et al* (US 6,763,370) in view of *Kunzelman et al* (6,041,357) and *Lee et al* (US 6,609,150).

l. **Referring to claim 7**, *Schmeidler et al* teach a method of routing a request by an end user device to a particular one of a plurality of redundant servers residing behind a network dispatching mechanism, said methods comprising the steps of:

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- receiving, at the network dispatching mechanism, a request for information indicated by a uniform resource locator (URL) (col.9 lines 5-44, col.13 lines 42-53, col.23 lines 13-15);
- determining, at the network dispatching mechanism, if said URL contains a valid routing token (col.23 lines 1-5, col.24 lines 44-67);
- if said URL contains a valid routing token, further determining, at the network dispatching mechanism, if a session binding indicated by said routing token is old (col.25 lines 1-20, col.26 lines 4-13);
- if said URL contains a valid routing token and said routing token is not old, forwarding, by said network dispatching mechanism, the request, including the URL, to the particular server indicated by said valid routing token (col.24 lines 41-65);
- removing, by said particular server, said valid routing information from the URL (col.13 lines 50-54);
- storing, by said particular server, said routing information removed from said valid routing token, where said valid routing information can be accessed subsequently by an outbound data stream filter during the processing of an outbound reply related to said request (col.13 line 50-col.14 line 22);
- accessing, by said particular server, a server-side storage location where information regarding a session between the particular server and the end user device is stored (col.10 lines 45-53); and
- inserting, by said particular server, said session information into said request (col.19 line 62-col.20 line 10, col.22 lines 23-25, col.24 lines 32-34 and 44-46).

*Schmeidler et al* teach that the RAFT URLs are sent along with the RAFT tokens (col.24 lines 32-34 and 44-46); yet fail to explicitly teach inserting the token into the URL. However, *Kunzelman et al* clearly teach embedding session tokens in URL requests and responding to the client with a token embedded in the URL (col.3 lines 54-65, col.4 lines 29-49, col.6 lines 43-52). Furthermore, *Lee et al* teach parsing the tokened request (col.5 lines 11-22) and embedding session data into a request (col.10 lines 27-33).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Schmeidler et al* with *Kunzelman et al* and *Lee et al* by embedding a token into a URL in order to a server to associate a token with a particular URL and track/monitor the user's activity on a particular website—such tracking methods are well-known in the art.

m. **Claim 18** contains limitations that are substantially equivalent to claim 7 and is therefore rejected under the same basis.

n. **Per claim 8**, *Schmeidler et al* with *Kunzelman et al* and *Lee et al* teach the method as claimed in claim 7 wherein additional filtering of the URL is done prior to the forwarding step (*Schmeidler et al*: col.23 lines 1-9, col.24 lines 44-55; *Kunzelman et al*: col.5 line 38-col.6 line 12).

o. **Claim 19** is substantially equivalent to claim 8 and is therefore rejected under the same basis.

9. **Claims 6, 10, 11, 17, 20, 21 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over to *Gupta et al* (US 6,763,468) in view of *Schmeidler et al* (US 6,763,370) and *Kunzelman et al* (6,041,357).

p. **Referring to claim 10**, *Gupta et al* teach a method of sending information to a requesting end user from an application over a session wherein said application resides at one of a plurality of redundant servers, said method comprising the steps of:

- receiving response information from said application, said response information including a URL (uniform resource locator) (col.12 lines 10-14);
- determining if a server-side key cookie has been used for storing session information between said end user and said application (col.11 lines 57-66, col.12 lines 3-8—determining if a server-side access cookie has been used);

- if a server-side key cookie has been used for storing session information, retrieving a session key from said key cookie (col.12 lines 3-8 and 44-55—retrieving access session cookies);
- if a key cookie was not used for storing session information, retrieving said session key from a control block (col.12 lines 8-18);
- removing all cookies from said response information (col.13 lines 13-17);
- storing said removed cookies in a predetermined server-side storage area (col.6 lines 28-37, col.12 lines 48-55, col.13 lines 13-17—cookies are stored and maintained at the server); and
- creating a sticky routing string (col.12 lines 10-18, col.13 lines 13-21 and 40-45).

*Gupta et al* teach updating cached session information and forwarding the updated session information to the server (col.13 lines 13-21), yet *Gupta et al* fail to explicitly teach updating said URL to indicate the removal of said cookies; updating a date/time stamp in said sticky routing string; inserting said sticky routing string into said URL; and transmitting said response information, including said URL, to said end user. However, *Schmeidler et al* teach generating a token and key pair and updating the date/time stamp in the token of the URL (col.26 lines 4-13) and transmitting the response information including the token and URL to the user (col.26 lines 4-13). Furthermore *Kunzelman et al* teach the insertion of session tokens within URLs, wherein when a session migrates from one server to another, a new URL is generated for the session token and the session token as part of the URL is returned to the user (col.3 lines 54-65, col.4 lines 29-38, col.6 lines 43-52).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Gupta et al* and *Schmeidler et al* with *Kunzelman et al* for having a predetermined server-side storage for storing the cookies related to

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the user and the user's session, because this allows a user to later access a server and continue a previous session based off of the stored session information and by having a server-side key cookie because this allows the user to utilize multiple client devices in the same client-server session. Furthermore, it would have been obvious to insert the "sticky routing string" or token the URL in order to a server to associate a token with a particular URL and track/monitor the user's activity on a particular website—such tracking methods are well-known in the art.

q. **Claims 6, 17, 20 and 27** contains limitations that are substantially equivalent to claim 10 and is therefore rejected under the same basis.

r. **Per claim 11**, *Gupta et al* and *Schmeidler et al* with *Kunzelman et al* teach the method as claimed in claim 10 wherein, prior to said determining step, said response information is transmitted from said application through one or more filters (*Gupta et al*: Abstract, col.7 lines 1-23, col.12 lines 3-67, *Schmeidler et al*: col.23 lines 1-9, col.24 lines 44-55; *Kunzelman et al*: col.5 line 38-col.6 line 12).

s. **Claim 21** is substantially equivalent to claim 11 and is therefore rejected under the same basis.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Lowell (6,381,632), Sampson et al (6,339,423), Hsiao et al (6,564,215), Leong et al (6,393,475), Gobin et al (6,745,229), Wood et al (6,892,307), Allen (6,877,095), Mann et al (6,742,126), Brandt et al (6,714,979).

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

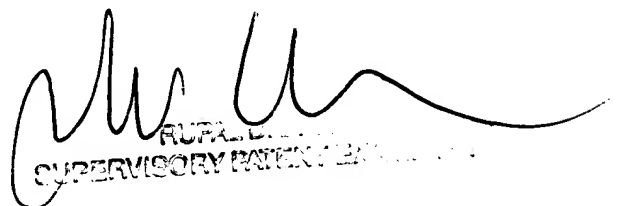
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
*Examiner*  
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*kds*



RUPAL K. SHARMA  
SUPERVISORY PATENT EXAMINER